

February 5, 2007

DECISION AND ORDER
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: February 5, 2007

Case Number: RB272-10101

This decision grants supplemental crude oil refunds. The names of the recipients and the amount of the refunds are listed in the Appendix to this decision.

This supplemental refund decision concerns the crude oil overcharge refund proceeding. Pursuant to the long-standing policy of the Department of Energy (DOE), thousands of purchasers of petroleum products have applied for, and been granted, refunds from crude oil overcharge funds under the jurisdiction of the DOE's Office of Hearings and Appeals (OHA). See Modified Statement of Restitutionary Policy In Crude Oil Cases, 51 Fed. Reg. 27899 (August 4, 1986). The standards for considering Applications for Refund from these crude oil funds are set forth at 10 C.F.R. Part 205, Subpart V. The deadline for applications in the crude oil proceeding was June 30, 1995.

The OHA has approved more than 87,000 crude oil overcharge applications. A claimant is generally eligible for a refund equal to the number of gallons of eligible refined petroleum products it purchased during the period August 19, 1973 through January 27, 1981, multiplied by a per gallon refund amount. That per gallon refund amount, also referred to as the volumetric, is derived by dividing the total refund monies available by the total U.S. consumption of petroleum products during the crude oil price control period. Originally, the DOE calculated refunds at a \$0.0002 per gallon volumetric. In 1989, the DOE increased the volumetric to \$0.0008 per gallon, and applicants paid at the lower \$0.0002 per gallon rate were eligible for a \$0.0006 per gallon supplemental payment. See Crude Oil Supplemental Refund Distribution, 18 DOE ¶ 85,878 (1989). In 1995, the DOE increased the volumetric to \$0.0016 per gallon, and applicants paid at the lower \$0.0008 per gallon rate were eligible for a \$0.0008 per gallon supplemental payment.

On January 13, 2006, the DOE announced that applicants paid at the lower \$0.0016 per gallon rate are now eligible for an additional \$0.000695389 per gallon supplemental refund. 71 Fed. Reg. 2195 (January 13, 2006). Refunds are rounded to the nearest dollar.

In order to receive a supplemental refund check, applicants are required to verify that their name and address in our records are correct, to correct any information that is not accurate, and to verify whether the refund cannot be paid to the original applicant for any reason, e.g., due to death, divorce, bankruptcy or dissolution of a business.

This decision approves supplemental refunds for the applicants listed in the Appendix to this decision. For each applicant, the Appendix contains the name, case number, and the amount of the supplemental refund. The decision approves supplemental refunds for 41 applicants, totaling \$496,376.00.

It Is Therefore Ordered That:

(1) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller of the Department of Energy shall take appropriate action to disburse supplemental refunds to P.L. McMickle, CPA, on behalf of the Applicants listed in the Appendix to this Order, in the amount of \$496,376.00, via ACH payment, as set forth in a memorandum accompanying this Decision and Order.

(2) The funds shall be disbursed from the escrow fund denominated Crude Tracking-Claimants 4, Account No. 999DOE010Z, maintained at the Department of the Treasury.

(3) Applicants shall notify the Office of Hearings and Appeals in the event that there is a change of address, or if an address correction is necessary. Such notification shall be sent to:

Director of Management Information
Office of Hearings and Appeals
Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-0107

(4) Any conditions imposed that applied to an applicant's receipt of the initial crude oil refund shall also apply to that applicant's receipt of this supplemental refund.

(5) The determinations made in this Decision and Order are based upon the presumed validity of the statements and documentary material submitted by the applicants. This

Decision and Order may be revoked or modified at any time upon a determination that the basis underlying a refund application is incorrect.

(6) This is a final Order of the Department of Energy.

Fred L. Brown
Acting Director
Office of Hearings and Appeals

Date: February 5, 2007

Appendix - Supplemental Refund Case No. RB272-10101

Case No.	Firm	Volume	Refund
RF272-10490	HANNA NICKEL SMELTING CO.	30,322,962	\$21,086.00
RF272-18991	JAMES PETERSON SONS, INC.	3,417,926	\$2,377.00
RF272-23990	MIDSTATE CONTRACTORS, INC.	34,396,208	\$23,919.00
RF272-29054	MAGIC VALLEY FOODS, INC.	7,351,425	\$5,112.00
RF272-30420	FRESNO COUNTY	14,227,200	\$9,893.00
RF272-32245	PABST BLUE RIBBON	20,601,486	\$14,326.00
RF272-47882	FREDONIA COOP OIL CO.	3,370,996	\$2,344.00
RF272-47975	CLIFF VIESSMAN, INC.	3,049,752	\$2,121.00
RF272-53083	SHALER CO.	4,490,126	\$3,122.00
RF272-60966	County Pride Services Coop	16,995,667	\$11,819.00
RF272-61425	Country Pride Services Coop	14,329,669	\$9,965.00
RF272-62018	BRIGHTWATER TOWERS ASSOCIATES	5,508,697	\$3,831.00
RF272-62255	FARMERS UNION OIL CO.	3,016,309	\$2,098.00
RF272-62513	POPE COUNTY CO-OP OIL A' SSN.	7,244,134	\$5,037.00
RF272-65207	R.C. DURR CO., INC.	5,959,328	\$4,144.00
RF272-65869	S & P CO.	32,944,789	\$22,909.00
RF272-67730	SHALITA & CO., INC.	4,516,000	\$3,140.00
RF272-68672	MODALE COOPERATIVE ASSN.	3,136,925	\$2,181.00
RF272-69635	PENNSY SUPPLY, INC.	30,919,294	\$21,501.00
RF272-70812	FARMERS COOPERATIVE CO.	7,382,361	\$5,134.00
RF272-71979	WELCH TRUCKING, INC	4,313,120	\$2,999.00
RF272-74762	GOOD TRANSPORTATION CO.	4,464,000	\$3,104.00
RF272-75029	ARKANSAS TRANSPORT CO.	3,311,311	\$2,303.00
RF272-89440	HENRY W. BERGMAN, INC.	4,872,158	\$3,388.00
RF272-90866	EVA PEAK	4,002,665	\$2,783.00
RF272-92015	SHARON S. DiBONA	64,967,026	\$45,177.00
RF272-92058	FARMERS UNION OIL CO. OF GARY	6,991,371	\$4,862.00
RF272-92194	RUSSELL STANDARD CORP.	21,614,478	\$15,030.00
RF272-93209	J.W. DRILLING	7,332,540	\$5,099.00
RF272-97316	PARKER REFRIGERATED SERVICE OR WILSON, K	11,528,927	\$8,017.00
RF272-98022	AMR CORPORATION	30,375,203	\$21,123.00
RG272-00401	COMPANIA PERUANA DE VAPORES	15,104,048	\$10,503.00
RG272-00404	AUSTRALIAN NATIONAL LINE, LTD.	66,226,200	\$46,053.00
RG272-00405	MOSVOLD & CO AS	45,067,884	\$31,340.00
RG272-00407	FG SHIPPING OY AB	20,495,254	\$14,252.00
RG272-00408	FEARNLEY & EGER A.S.	14,191,582	\$9,869.00
RG272-00418	COSTA ARMATORI S.P.A.	19,960,481	\$13,880.00
RG272-00433	EMPRESSA ECUATORIANA	25,677,850	\$17,856.00
RG272-00554	AIR JAMAICA	88,050,422	\$61,229.00
RG272-01111	JAMES WILBANKS	1,042,100	\$725.00
RG272-01112	SUE DEMPSEY WILBANKS	1,042,100	\$725.00
Totals	41 Applicants	713,811,974	\$496,376.00